

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION ONE

STATE OF MISSOURI,)	No. ED102013
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
)	13SL-CR10246
vs.)	
)	
PHIL ATKINS)	Honorable Mary B. Schroeder
)	Honorable Dennis Smith
Defendant,)	
)	
and,)	
)	
BRUCE TEMEN BAIL BONDS)	
)	
Appellant.)	FILED: September 22, 2015

In this consolidated appeal, Bruce Temen Bail Bonds (Surety) appeals from the trial court's entry of default judgment on a bond forfeiture and from the final judgment denying Surety's motion to set aside the default judgment.

REVERSED AND REMANDED.

Division One Holds: As the State concedes, under the circumstances of this case, the trial court erred and abused its discretion in denying Surety's motion to set aside the default judgment given that Surety presented sufficient evidence that it located, apprehended, and surrendered its principal within 30 days of the trial court's entry of the forfeiture and before the entry of final judgment of forfeiture.

Opinion by: Mary K. Hoff, J.
Robert G. Dowd, Jr., P.J., and Roy L. Richter, J., Concur.

Attorney for Appellant: Carter Collins Law
Attorney for Respondent: Robert P. McCulloch

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